

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LOCAL 803 PENSION FUND, by BILLIE LEE WHELAN :
as Trustee, :

Plaintiff, :

: 10 CV 1659 (PGG)(AJP)

: **LOCAL RULE 1.4**

: **AFFIRMATION IN SUPPORT**
: **OF APPLICATION FOR LEAVE**
: **TO SUBSTITUTE COUNSEL**

-against-

BROOKLYN-QUEENS HEALTH CARE, INC., a New
York not-for-profit corporation; WYCKOFF HEIGHTS
MEDICAL CENTER, a New York not-for-profit
corporation; and SAINT VINCENT CATHOLIC
MEDICAL CENTERS OF NEW YORK, a New York
Not-for-profit corporation,

Defendants.

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BARBARA E. HOEY, an attorney duly admitted to practice before the United
States District Court for the Southern District of New York, affirms the following,
pursuant to Local Civil Rule 1.4 and under penalty of perjury:

1. I am a Shareholder with the firm of Littler Mendelson, P.C. I submit this
affirmation pursuant to Rule 1.4 of the Local Civil Rules of this Court and in support of
the application of Defendants Brooklyn-Queens Health Care, Inc. and Wyckoff Heights
Medical Center for an order substituting Littler Mendelson, P.C. for Kelley, Drye &
Warren as counsel of record for these Defendants in the above captioned action.

2. The substitution of Littler Mendelson, P.C. is being effected upon the
consent of Brooklyn-Queens Health Care, Inc., Wyckoff Heights Medical Center and
Kelley, Drye & Warren.

3. Littler Mendelson, P.C. has substantial experience representing clients in litigation such as the one at issue here. Lead counsel for Littler Mendelson, P.C., Barbara E. Hoey, has been providing legal assistance and advice to Brooklyn-Queens Health Care, Inc. and Wyckoff Heights Medical Center in this matter from its beginning.

4. Attached hereto as Exhibit A is a true and correct copy of a stipulation providing for substitution of counsel executed by Brooklyn-Queens Health Care, Inc., Wyckoff Heights Medical Center, Kelley, Drye & Warren and Littler Mendelson, P.C.

5. Pursuant to Local Civil Rule 1.4, this substitution of counsel will not materially change the posture of this case.

WHEREFORE, it is respectfully requested that this application be granted.

Dated: June 15, 2010

By: /s/ Barbara E. Hoey
Barbara E. Hoey

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LOCAL 803 PENSION FUND, by BILLIE LEE WHELAN :
as Trustee, :
Plaintiff, : 10 CV 1659 (PGG)(AJP)
:
-against- : **STIPULATION OF**
: **SUBSTITUTION**
: **OF COUNSEL**
BROOKLYN-QUEENS HEALTH CARE, INC., a New :
York not-for-profit corporation; WYCKOFF HEIGHTS :
MEDICAL CENTER, a New York not-for-profit :
corporation; and SAINT VINCENT CATHOLIC :
MEDICAL CENTERS OF NEW YORK, a New York :
Not-for-profit corporation, :
Defendants. :
-----X


It is hereby consented and agreed that Littler Mendelson, P.C. be and hereby are substituted as attorneys of record for defendants Brooklyn-Queens Health Care, Inc. and Wyckoff Heights Medical Center in the above-entitled action in place and instead of Kelley, Drye & Warren as of the date hereof.

Dated: New York, New York
June 15, 2010

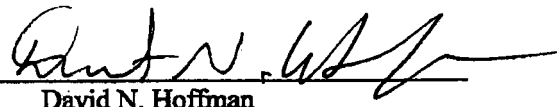
LITTLER MENDELSON, P.C.

By: /s/ Barbara E. Hoey
Barbara E. Hoey
900 Third Avenue
New York, New York 10022
(212) (212) 583-9600 (phone)
(212)832-2719(facsimile)
bhoey@littler.com

KELLEY, DRYE & WARREN

By: 
Steven P. Caley
101 Park Avenue
New York, New York 10178
(212) 808-7800 (phone)
(212) 808-7897 (fax)

BROOKLYN-QUEENS HEALTH CARE, INC.
and WYCKOFF HEIGHTS MEDICAL CENTER

By: 
David N. Hoffman
General Counsel, Vice President for
Ethics and Compliance
374 Stockholm Street
Brooklyn, New York 11237

SO ORDERED,

UNITED STATES DISTRICT COURT JUDGE

ACKNOWLEDGEMENT

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

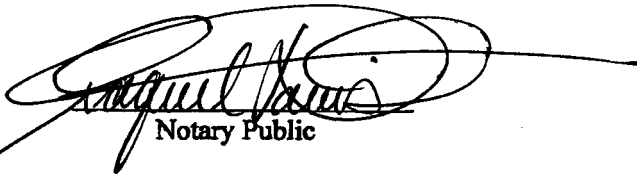
David N. Hoffman duly sworn, deposes and says:

I am General Counsel, Vice President for Ethics and Compliance to Brooklyn-Queens Health Care, Inc. and Wyckoff Heights Medical Center, which executed the within Stipulation of Substitution of Counsel ("the Stipulation"). I have signed my name to the Stipulation on behalf of Brooklyn-Queens Health Care, Inc. and Wyckoff Heights Medical Center.


David N. Hoffman

Subscribed and sworn to
before me this 15 day of

June ~~May~~, 2010.


Notary Public

RAQUEL DAVIS
Notary Public, State Of New York
No. 01DA6124642
Qualified In Queens County
Commission Expires March 28, 2013